

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.: 2:17-cr-00114-APG-CWH

Plaintiff

V.

DAVID ALAN COHEN,

Order Accepting Report and Recommendation and Denying Motion to Dismiss and Motion to Strike

[ECF Nos. 235, 237, 257]

Defendant

8 On July 18, 2018, Magistrate Judge Hoffman issued a report and recommendation
9 recommending I deny defendant David Alan Cohen’s motion to dismiss because the court has
10 already addressed the arguments raised in that motion and there is no basis to reconsider and
11 because the motion is untimely. ECF No. 257. Judge Hoffman also recommended I deny the
12 Government’s motion to strike as moot. Neither Cohen nor the Government filed an objection.
13 Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28
14 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions
15 of the report or specified proposed findings to which objection is made”); *United States v.*
16 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the
17 magistrate judge’s findings and recommendations de novo *if objection is made*, but not
18 otherwise” (emphasis in original)).

19 IT IS THEREFORE ORDERED that Judge Hoffman's report and recommendation (ECF
20 **No. 257**) is accepted, defendant David Alan Cohen's motion to dismiss (ECF No. 235) is
21 **DENIED**, and the Government's motion to strike (ECF No. 237) is **DENIED** as moot.

DATED this 10th day of August, 2018.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE